

The 13th May, 1975

No. M42A/LA-IV/T59/2250.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at public expense for a public purpose, namely, constructing Leghan Dhangar road (Leghan Bhanan) in Bhiwani District, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana, P.W.D. (B. & R. Branch), Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality	Area in Acres	Remarks
Bhiwani	Bhiwani	Leghan Bhanan	6.32	104, 103, 103/1, 327/102, 326/102, 101, 100, 99, 98, 97, 94, 92, 91, 84, 83, 82/1, 82/2, 82/3, 82/4, 82/5, 1, 4, 312/5, 313/5, 315/6, 314/6, 316/7, 317/7

(Sd.)

Superintending Engineer,
Bhiwani Circle, P.W.D. B. & R., Branch,
Bhiwani.

IRRIGATION DEPARTMENT

The 11th March, 1975

No. 2248/1L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, for a public purpose, namely, for the construction of Nigana Distributary from R.D. 0 to 19500 taking off R.D. 3245-L Nigana Canal in village Kharkhari Makhwan, Dharan, Nigana Canal Nigana Khurd in tehsil Bhiwani, district Bhiwani, for which notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said Act and published, — vide Haryana Government notification No. 11749/1L on 28th January, 1975 dated 31st December, 1974 in Haryana Government Gazette Part I, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Officer, Irrigation Department, Ambala and the Executive Engineer, B.N.C. Feeder Division, Hissar.

SPECIFICATION

District	Tehsil	Name of Village	Area in acres	Boundary
Bhiwani	Bhiwani	Kharkhari Makhwan	0.214	A strip of land measuring 19,500 feet in length and varying in widths comprising of part field numbers are given as under :— 90 7, 8

District	Tehsil	Name of Village	Area in acres	Boundary
Bhiwani	Bhiwani	Dharan	26.9	<div>8</div> <div>9</div> <div>20, 21, 14, 15, 16, 11, 25,</div> <div>14</div> <div>1, 2, 8, 9, 14, 13, 17, 24, 25,</div> <div>23</div> <div>1, 10, 9, 11, 12, 18, 19, 23, 24,</div> <div>24</div> <div>32</div> <div>5, 4, 5, 6, 7, 15,</div> <div>33</div> <div>38</div> <div>11, 19, 20, 21, 22, 20, 21,</div> <div>39</div> <div>2, 3, 7, 8, 14, 15, 16, 17, 25,</div> <div>49</div> <div>1, 2, 9, 10, 12, 13, 18, 19, 22, 23,</div> <div>57</div> <div>2, 3, 8, 9, 12, 13, 18, 19, 22, 23,</div> <div>66</div> <div>2, 3, 8, 9, 12, 13, 18, 19, 22, 23,</div> <div>74</div> <div>2, 3, 8, 9, 10, 11, 12, 20,</div> <div>75</div> <div>15, 16, 25, 17, 24,</div> <div>81</div> <div>4, 5, 6, 7, 14, 15,</div> <div>5</div> <div>17</div> <div>14, 15, 16, 17, 24, 25, 4, 5,</div> <div>51</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>61</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>66</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>74</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div>
Do	Do	Nigana Kalan	5.30	<div>5</div> <div>17</div> <div>14, 15, 16, 17, 24, 25, 4, 5,</div> <div>51</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>61</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>66</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div> <div>74</div> <div>4, 5, 6, 7, 14, 15, 16, 17, 24, 25,</div>

District	Tehsil	Name of Village	Area in Acres	Boundary
Bhiwani	Bhiwani	Nigana Khurd	6.59	134 4, 5, 6, 7, 14, 15, 16, 17, 24, 25 137 4, 5, 6, 7, 14, 15, 16, 17, 24, 25 142 4, 5, 6, 7, 14, 15, 16, 17, 24, 25 144 4, 5, 6, 7, 14, 15, 16, 17, 24, 25 26 51 24, 25 4, 5
		Total	39.04	148 4, 5

Generally lying in the direction of north-west to east-south as demarcated at site and shown on the index plan.

By order of Governor of Haryana,

DR. G. P. MALHOTRA,

Superintending Engineer,
B.N.C. Canal Circle No. II,
Hisar (Haryana).

LABOUR DEPARTMENT

The 19th May, 1975

No. 4088-41-75/15434.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Sharco Industries (P) Ltd., Faridabad :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Complaint No. 4 of 1974 under Section 33-A of the Industrial Disputes Act 1947

Between

SHRI RAM CHANDER AND THE MANAGEMENT OF M/S SHARCO INDUSTRIES
(P) LTD., FARIDABAD

Present.—

Shri Ram Chander, appellant.

Nemo, for the management.

AWARD

Shri Ram Chander Chowkidar an employee of M/s Sharco Industries (P) Ltd., Faridabad has brought this complaint under section 33-A of the Industrial Disputes Act, 1947. It is, however, not necessary to proceed with the complaint as the learned representative of the complainant has stated that this complaint has been wrongly filed in this court and another complaint has been filed before the Industrial Tribunal, which is the proper forum to deal with the matter.

The complaint shall, in the result, stand dismissed as being not competent. No order as to costs.

Dated the 17th April, 1975.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 888, dated the 21st April, 1975

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4090.41-75/15545.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Panipat Co-operative Sugar Mills Ltd., Panipat :—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 70 of 1973

Between

SHRI KARAM SINGH AND THE MANAGEMENT OF M/S PANIPAT CO-OPERATIVE
SUGAR MILLS LTD., PANIPAT

Present.—

Shri Onkar Parshad, for the workman.

Shri Surinder Kaushal, for the management.

AWARD

The facts material for the disposal of this reference under section 10 (1) (c) of the Industrial Disputes Act, 1947, may briefly be stated as under.

Shri Karam Singh was in the service of M/s Panipat Co-operative Sugar Mills Ltd., Panipat. He raised a dispute that the management had illegally terminated his services with effect from 21st January, 1972, without giving him any warning, charge, sheet or notice. On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this Court,—vide order No. 44371-75, dated 20th November, 1973, with the following term of reference.

“Whether the termination of services of Shri Karam Singh was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective pleadings. The management contested the claim of the workman mainly on the ground that he was only a casual worker and had no lien on any job whereas the workman contended that he had worked as Bagasse Coolie from 1968-69 till 1970-71 and that he had received bonus for this period. From the pleadings of the parties the issue that arose for determination in the case was precisely the same as per the term of reference stated above.

The management has examined 2 witnesses including Shri Hem Raj Sharma, Senior Time Keeper M.W. 1 and Shri N.L. Batra, Office Superintendent M.W. 2 besides relying upon the letter dated 28th February, 1973, Exhibit M. 1 addressed to the Labour Officer-cum-Conciliation Officer stating that out of the 32 Bagasse Coolies demanded by the union of the workman to be made as seasonal permanent in the meeting of the Board of Directors held on 21st April, 1972, after considering the work-load 21 Bagasse Coolies, had been made seasonal permanent and their seniority list has also been prepared.

On the other hand, Shri Karam Singh, workman has made his own statement besides examining Shri Gian Chand, General Secretary Sugar Mills Mazdoor Sangh, Panipat. The documentary evidence produced by the workmen consists of the letter dated 30th October, 1972 addressed by Shri Gian Chand, General Secretary of the Union to the General Manager of the Mills Exhibit W. 1.

The case has been fully argued on both sides and I have given a careful consideration to the material on record. There is no denying the fact that Shri Karam Singh had been in the service of the management as a Bagasse Coolie and that his services had come to an end on 21st December, 1972. The question that arises for determination, however, is whether he had a lien on the job held by him or he was only a casual worker appointed from time to time during the season, according to the requirement of the work. The contention raised on behalf of the management in the case that his appointment was of purely temporary/casual nature and he had no permanent lien or right to hold the post appears to be correct and is borne out from the evidence on record, oral as well as documentary. The depositions made by Shri Hem Raj Sharma, Senior Time Keeper and Shri N. K. Batra, Office Superintendent are clear on the point and the workman concerned is not been able to produce any reasonable rebuttal of the same.

There is another fact on record. A list of 32 Bagasse Coolies had been submitted to the management by means of demand notice dated 30th January, 1973 for being made seasonal permanent and after considering this demand the Board of Directors in their meeting held on 21st April, 1973 had made 21 Bagasse Coolies as seasonal permanent, taking into consideration the work-load and their seniority. The name of the present workman is not included in the list of the said 21 Bagasse Coolies who were made seasonal permanent. This action on the part of the management was in a way accepted by the workman without raising any protest, as would be clear from the cross-examination of Shri Gian Chand, General Secretary of the Union W. W. 2. According to him, 2 more workers had subsequently been made seasonal permanent and all these workers were senior to the workman concerned in the present reference.

So, all the facts taken together prove conclusively that the management has acted bonafide in accepting the demand of the Bagasse Coolies for being made seasonal permanent according to their seniority and taking into consideration the work-load in the Mills. Since the present workman was junior to those who had been made seasonal permanent and had all-along been working on casual basis, on daily wages paid fortnightly according to the days he actually worked. He had manifestly, no lien or right to be retained in service when the work did not justify it. There is no indication that there had been any fresh recruitments of raw hands or persons junior to him had been retained in service. Since he had worked only for intermitant periods, according to the requirements of the work and had been paid off accordingly, his claim for reinstatement or payment of back dues clearly not well founded. In such a case no charge-sheet, warning or notice was necessary as having been appointed as a casual worker on daily wages on purely temporary basis for the period the work justified his appointment, the same automatically came to an end when there was no longer any work for him. The case might have been different if he was a seasonal permanent workman or had established his right to be made so. But that is not the case here.

The workman concerned has thus made out no good case to interfere with the impugned order of the termination of his services which is held to be justified and in order and, in the result, he is not entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly but without any order as to costs.

Dated the 15th April, 1975.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 886, dated 21st April, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Dispute Act, 1947

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.